

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/463,851	06/05/00	ACHENBACH	H A32964PCT/U

021003
BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

HM12/0906

EXAMINER

PATTEN, P

ART UNIT	PAPER NUMBER
1651	12

DATE MAILED: 09/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice of Abandonment	Application No. 09/463,851	Applicant(s) Achenbach, H.
	Examiner Patricia Patten	Art Unit 1651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on Jan 4, 2001.
 - (a) A reply was received on Aug 15, 2001 (with a Certificate of Mailing or Transmission dated N/A), which is after the expiration of the period for reply (including a total extension of time of 3 month(s)) which expired on Jul 4, 2001.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) No response has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
 - (b) The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.

The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) The proposed new formal drawings filed on _____ are not acceptable and the period for reply has expired.
 - (c) No proposed new formal drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

Please see Addendum attached hereto.

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Addendum to Notice of Abandonment

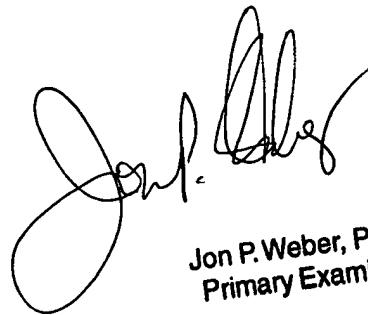
The Amendment filed 8/15/01 was filed untimely for the following reason: A request for a CPA was received in the Office on 7/3/01, however, because the application did not meet the requirements for CPA practice, the request was constructively treated as an RCE (Request for Continuing Examination) as indicated in the Notice of Improper Request for Continued Examination (8/6/01-Paper No.10). The Notice of Improper Request for Continued Examination clearly stated that a copy of the Notice must be returned with a reply, and further, that 'Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing of that action or notice (i.e; 1/4/01 plus a 3 month extension to 7/4/01). Because the Amendment filed 8/15/01 is not in compliance with the Notice of Improper Request for Continued Examination, the application is hereby Abandoned, because the reply was received after the 7/4/01 expiration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Patricia Patten, whose telephone number is (703)308-1189. The examiner can normally be reached on M-F from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn, can be reached on (703) 308-4743. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.



Jon P. Weber, Ph.D.
Primary Examiner